

THOMAS AMARO, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 4:05CV1456 ERW  
)  
JO ANNE B. BARNHART, )  
Commissioner of Social Security, )  
)  
Defendant. )

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert III [doc. #16]. The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation. The Commissioner's decision not to waive recoupment of overpayment to Plaintiff will be reversed.

**IT IS HEREBY ORDERED** that, pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is **REVERSED**. The relief requested in Plaintiff's Complaint [doc. #3] is **GRANTED**. The Commissioner is directed to grant Plaintiff's request for waiver of overpayment.

E. Richard Walker

1